

REMARKS

Administrative Overview

Claims 1–12, 19, 20, 23, and 24 were elected for prosecution in this case. In the Office Action mailed on October 30, 2009, claims 1–12, 19, 20, 23 and 24 were rejected under 35 U.S.C. § 103 over U.S. Patent No. 5,611,052 (hereinafter “Dykstra”) in view of “Department Store Reconfigures Decision Process,” Credit Risk Management Report, vol. 2, no. 20 (Sept. 28, 1992, hereinafter “Mervyn”).

Rejection of Claims 1–12, 19, 20, 23, and 24 under 35 U.S.C. § 103 over Dykstra, Mervyn

Claims 1–12, 19, 20, 23, and 24 were rejected under 35 U.S.C. § 103 as being unpatentable over Dykstra in view of Mervyn. For the Office to demonstrate a *prima facie* case of obviousness under 35 U.S.C. § 103, the supporting prior art references when combined must teach or suggest all of the limitations of the claim at issue. See MPEP § 2143. As discussed below, neither Dykstra nor Mervyn, taken individually or in combination, teach or suggest all of the elements of the claims as amended.

As amended in this Response, each of independent claims 1, 5, 19, and 23 require selectively forwarding a received credit application (or applications) to a plurality of funding sources, i.e., more than one funding source. Independent claims 1 and 23 provide this element through computer executable instructions, and independent claims 5 and 19 provide this element as method steps.

Dykstra neither teaches nor suggests selectively forwarding said received credit application(s) to a plurality of funding sources. In fact, Dykstra teaches away from the selective forwarding of application(s) to a plurality of funding sources, and instead teaches communications with a single funding source. According to Dykstra, a merchant “chooses a particular lender” to receive the potential borrower’s loan application, i.e., a single funding source. Dykstra at col. 4, ln. 18–24. Dykstra therefore not only fails to satisfy all of the limitations of any of the pending independent claims, it also teaches away from the limitation at issue. The Office Action relies on Mervyn to address this deficiency.

Mervyn, however, does not supply what Dykstra lacks. Generally, Mervyn describes a department store that has redesigned its new accounts processing system to expedite instant credit decisions. See Mervyn at 1. Mervyn does not, however, describe the selective forwarding

of received credit application(s) to a plurality of funding sources. Like Dykstra, it is very clear that Mervyn describes a financial data processing system for use with a single funding source, i.e., Mervyn's, having a plurality of retail stores.

For these reasons, we respectfully submit that amended independent claims 1, 5, 19, and 23, and the remaining claims, which depend therefrom, are patentable over Dykstra and Mervyn, either taken individually or in combination, and hereby request the withdrawal of these rejections.

CONCLUSION

In light of the foregoing, we respectfully submit that all of the pending claims are in condition for allowance. Accordingly, we respectfully request reconsideration, withdrawal of all grounds of rejection and objections, and allowance of all of the pending claims in due course.

If the Examiner believes that a telephone conversation with the Applicant's attorney would be helpful in expediting the allowance of this application, the Examiner is invited to call the undersigned at the number identified below.

Respectfully submitted,

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